

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN.

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PETER OPPENEER
CLERK US DIST COURT
WD OF WI

Luis Duarte,

Petitioner-Appellant

V.

Dist. Ct. Case No. 15-CV-682-jdp.

Reed A. Richardson, Warden

Respondent-Appellee

**NOTICE OF APPEAL AND MOTION TO
PROCEED ON APPEAL IN FORMA PAUPERIS.**

NOTICE IS HEREBY GIVEN, that Luis Duarte, the Appellant-Petitioner, hereby appeals to the United States Court of Appeals for the Seventh Circuit, from the final Judgment of Petitioner, for Writ of Habeas Corpus, pursuant to 28 U.S.C. §2254, entered for record in the above action on the day of July 18, 2016,

And Respectfully moves this Honorable Court for Leave to proceed on appeal on Formas Pauperis on the Judgement entered on July 18, 2016 without pre-payment of cost and fees, without giving security, because of my proverty.

I am being illegally detained in violation of the United states Constitution by State Officials and I believe I am entitle to Redress.

The issues I intend to raise on appeal are:

1. The State Court's violated my 6th Amendment Right to Counsel on my first time appeal when it allowed him to withdraw without providing proper procedures.
2. The State Prosecutor violated Duarte's Right to due process by with-holding excupatory evidence of duarte's blood test samples, which would prove his actual innocence.
3. Duarte's lack of knowledge of the United State's Legal system and understanding of the english language together with any verbal communication with the State Court or Apellate Counsel concerning the Right to Appeal, gives "Good Cause" for the Procdural Default.

4. duarte's lack of Knowledge of the United State's legal system and limited understanding of the english language, together with any verbal communication with the State or Appellate Counsel regarding his Right to Appeal, or the process, gives good cause for the twenty-year delay in bringing this Federal Habeas Petition.
5. Duarte was a Cuban Refugee and only recently arrived here in the United States' prior to initiation of the criminal proceedings against him now challenged in this Petition.
6. All the time duarte has been held back from the opportunity to respond to Appellate Counsel's document filed in the State Court indicating I knowingly, voluntarily and Intelligently waived my right to a Direct Appeal and representation of Counsel. in violation of McCoy V. Court of Appeal of Wisconsin, 486 U.S. 429, 436 (1988).


CONCLUSION.

WHEREFORE, Duarte Respectfully Moves this Honorable Court to GRANT this Motion to Proceed in Formas Pauperis.

And FURTHER ORDER that his Petition for a Certificate of Appealability be Granted.

Respectfully Submitted

Dated this 1 day of August 2016.


Petitioner, Pro-Se.
Stanley Correctional Inst.
100 Corrections Drive
Stanley, Wisc. 54768.

cc. Clerk of the Court
United States Court of Appeals
for the Seventh Circuit
219 South Dearborn Street
Chicago IL 60604